



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William Franklin Harris, Jr.

Application No: 09/905,358

Filed: July 13, 2001

For: SUSPENSIONS OF PARTICLES  
IN NON-AQUEOUS SOLVENTS

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Atty. Docket No: B-0103.30

Examiner: Philip Tucker

Group Art Unit: 1712

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

BOX NON-FEE AMENDMENT  
ASSISTANT COMMISSIONERS  
FOR PATENTS  
Washington, D.C. 20231

Sir:

The owner, Benchmark Research & Technology, Inc., of 100 percent interest in the referenced application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the referenced application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the pending second Application Number 09/771,226, filed on January 26, 2001, of any patent granted on the pending second application. The owner hereby agrees that any patent so granted on the referenced application shall be enforceable only for and during such period that it and any patent granted on the pending second application are commonly owned. This agreement runs with any patent granted on the referenced application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the referenced application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 -156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all

claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The \$55.00 terminal disclaimer fee required under 37 C.F.R. §120(d) is included.

The undersigned is an attorney of record.

Respectfully submitted,

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DATE: 3 April 2003

BY: 

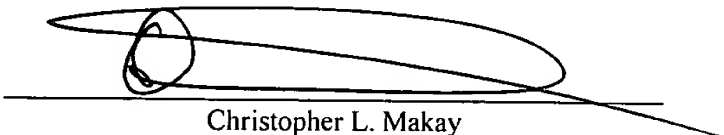
Christopher L. Makay  
Reg. No. 34,475

ATTORNEY FOR APPLICANT

CERTIFICATE OF EXPRESS MAIL

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Express Mail No. EL 873066058 US Date: 3 April 2003

  
Christopher L. Makay